Reserve

App. F. IX-4

1934. (Miscl.

File No. 287-34

Serial Nos. 1-5

Previous References

Misc 35-32 S 13

Later References.

1-4

O. Dep 30-31

O. Dep 223-35

Forest Dept 356.39.

GENERAL AND REVENUE SECRETARIAT.

Misc 50-39-5-10.

Serial Nos. 5

Part B for 1 to 35

SUBJECT.

Review praying for the cancellation of the Govt. order so far it relates Kalkere lands in the management of the properties of Karnik Krishna Murthi Rao's Vaidika Dharma Patasala Basavangudi Bangalore.

To Mr Boriah Pattegar of Kalkere.
C/o. S. D. Ganesha Rao Advocate Bangalore
no. 34 & 28-31

1-5

WD 01965—GPB—15,000—7-7-34

Intimates that there are no reasons to reconsider the orders already passed

RG

193 G.

GENERAL AND REVENUE SECRETARIAT.

(Mines)

NOTES.

File No. 287-34

FILE HEADING.

Management of the Kalwick Krishnamurti Rao's [illegible]
Obalesa Fortress and the Bellary [illegible]

FROM

[illegible]

No. 15-3-1935 Dated [illegible] Received [illegible]

Diary No. 1057	Enclos.	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER

[illegible]

NOTES AND ORDERS.

The prayer of the petitioner is two-fold
(i) that the G.O. dated 21.2.1934 may be
cancelled and that the Jaidar Mr Kalwick
Krishnamurti Rao may be directed to establish
his claims in a civil Court; and
(ii) pending disposal of the appeal petition,
a Stay order may be issued in the

NOTES—First Sheet

WD 02552—GPB—5,000—10 7-30

File No. 287 of 1934.

General and Revenue Secretariat

matter

2/As regards point (1) above, the petition will be sent if applied to the H.C for transfer by a regular writ if connected records, in the first instance;

3/ As regards point (ii) above, the petitioner will be asked to prefer a separate application duly stamped for a Stay order, according to the existing practice based on the Rules of civil practice in the High Court in such matters.

A

B

Put up
26/3/34

4/ A & B may be approved

dl
28/3/35

Chief Secy)

5/ Put up.

dl
30/3

2 drafts are submitted.

10/ June 6/4

Put up
5/4

12 pc dated 5.4.35

The 1st & 2nd paragraphs

[illegible]

2

[illegible]

GOVT. OF INDIA 1935 SECTT.

Subject: 6

Re para 4 of the petition about the Very walls of Goils Wakfs to the H.C have been reproduced and how the petitioners have secure the info in question is not known

[illegible] 20/3

Their attention may perhaps be drawn to this

20/3/55

CHIEF SECRETARY

1 APR. 1955

[illegible] 5/4

Serial No

Petition dated 29.3.35 from Boricha and other tenants of Jodi Kalkere village in Magadi taluk praying for the cancellation of the order directing that the management of this village be vested in "govt".

11/ Subd. The original order referred to appears to have issued from the Mus Br. As such, this question has also to be dealt with there

Mus Br 30/3 — 12 dcg 30/3/35

1098

13 A stamped petition from the same petitioners has been received here and the same submitted to Chief Secy for order. As return file is awaited, be awaited. Petition + this may be placed in [illegible]

2/4 — 2/4

15 It was submitted to the Chief Secy on the 28th March 1935 and its return is awaited. Reference from 4 supra

3/4 — 3/4

NOTE—Contn. Sheet.

File No. of 193

General and Revenue
Secretariat

3218

nue Muz File No. of 193 [App. F. III–2

Serial No.

Petition dated 29.3.35 from Bariah, Lingappa and others of Jodikalkere village in Magadi Taluk stating that they have been put to hardship and inconvenience by the Government taking over the management of the village and praying for the cancellation of the order vesting the management of the village in Govt.

Member's orders on the petition 'Gen Secy with compliments'.

A report about this case may be obtained.

Intd. KM 2/4
" HMR 2/4

Draft

Intd. DCS 3/4

Subd It is informally ascertained that the G.O. directing that the management of the village be vested in Govt was issued in the Muz Branch. A similar petition (WP no 3171) on the subject was transferred thither on 30.9.35. This may therefore be passed on there in confirmation for necessary action with reference to member's orders

GENL. & REV. SECTION 1107

NOTE—Contn. Sheet.

apm hcd 3/4

Muzrai Branch) 20/ yes DCS 3/4/35

4/ The previous reference dated from the Rev. Branch on the same subject is pending (linked file) If appeal, the return of the main file dated to chief secy on 28.3.36 for orders will be awaited. if

28/3/36

Mr. from Joint Keeping Rooms

General and Revenue Secretariat — Memo File No. — of 1934 — [App. F. III—2

Serial No.

1299 dated 5.4.1935

Mr. S. D. Ganesha Iyer Bar-at-Law
Advocate for petitioners
States that a separate petitioner duly stamped is being sent in this behalf
Respect to the Stay application

2) with reference to First Members order on the petition dated 29.3.35. It is stated on a previous petition in these matters that a report has been called for from the M.C in this office letter dated 6.4.35

3) Land with reference to paras 16-17 supra

8/4

Ch: Secy)

23) For perusal
9/4/35

24) RR
9/4/35
9/9/4

Sec A
7/4

L

NOTE—Contn Sheet

WI 01955—GPL—22,500—12 6-34

File No. of 193 General Sec

GENL. & R. 1115

Muzrai Branch.

25 Please put up the file re: ~~taking over~~ lands belonging to Mr. Karnick Krishna Murthy taken over by Govt.

RR 3/4/35.

Chief Secretary.

2.4.35.

JJ 3/4/35

1059/17 file sent back Dy 5/4/35

26 The file relating to the above subject was submitted to Chief Secy on the 28th March 1935 with Diary No. 1059 of 1934.

BTS 3/4/35. Dy

Mur. File No. 35-3285-13 on the subject is put up

Dy 5/4/35

Ch: Secy)

28 JJ 6/4/35

29 This was referred to at the last Council meeting & followed that the file was to be put up for the position reconsidered.

8 APR. 1935

I understood that there were some petty grievances by reports to Dewan & Finance Member. There may be put up to know what their representation is.

JJ 13/4

RR 6/4/35

2nd Member → RR 16/4/35 Dy 16/4

1098 11 5 6

Lands endowed to Karnicka Vaidika Pathasala Bangalore

General and Revenue Secretariat — Mysg File No. 287 of 1936 — [App. F. III—L

Serial No.

R. L

31) The file containing the petitions presented to Dewan and First Member of Council, by the Pujaris of Jodi Kalkere village, is putup as directed in para 6 supra

PRS 17.4.35

II Members)

32) 18/4/35

33) I see that a report has been called for from the Dist. on the above petitions It is better to wait for the report

6646 / 20/4

JOR 20/4

34) 22 24/4.

L.o A 4.5/4

4

Letter No H.C 110/34-35 of 28.6.1935 from the Mysore Commissioner stating that in the circumstances reported by the Bangalore Deputy Commissioner in his letter of 23/5/35 there is no need to reconsider the Govt order No 1123-27/Mug 35-32-13 of 21-2-1936 and adding that a separate report will be submitted regarding the representation in the petition received through the Diwan of the Vaidika Pathasala

N (5)

NOTE—Contn. Sheet

WD 01955—GPB—92,500—12-6-34

letter no 213 dy 16/8/33 addressed to him.

3[illegible] In view of what is said in the Banglore A-C's decision of 23-5-35, & more especially in view of the facts in this pet[n] of 12-5-35 addressed to the S-D-O. having agreed to [illegible] the respective lands at rates of Rs 25, R 15 & Rs 5 per acre as specified therein, it is submitted that there is no force in the review pet[n] of 16/3/35 filed by Boriah & other villagers -

36) In para 5 of the P.U. & I it is stated that the lease deeds were obtained by fraud & the thumb impressions of the pet[rs] were secured to certain documents which are now claimed to be leasedeeds — many of the lease deeds have been the signatures of the lessees e.g. Honnappa's son Gangiah & this pet[r] has merely given his thumb impression in the Vakalat instead of affixing his signature he did on the leasedeed) — All these lease deeds have been duly executed and registered in magazine TR Sub Registry Office — The contentions of the pet[rs] that the deeds were obtained fraudulently & by coercion are untenable

W

D

X P.U. & I.

X H

General and Revenue Secretariat.

File No. of 193

by Tori Kabbara Vyas for Cancellation of G.O. No 1123-27 dt 21/2/34 — re properties endowed by late Kannika Krishna Vyas for the benefit of Vyasa Dharma Pathasala [App P.III-2 encls.

37) Further there are no grounds for the Cancellation of the G.O. dt. 21.2.1934 as prayed for by the petrs in para 19 of the P.A.D.I.

38) The petrs through their Counsel prayed for a stay order, & the Counsel for the petrs was informed in this office letter no. 1299 dt 6/4/35 — That a separate petn duly stamped has to be submitted in respect of the stay order — Though it is over 2½ months since he was informed of this, no such petn has been presented by him so far.

39) The petrs also say that the Poorida may be directed to establish his claims in a civil court. It is held that there is no need for doing this as all the devan lands have come under the management of Govt for the benefit of the Vyasa Dharma Pathasala

40) The petrs have not asked for any hearing in the case. In these circumstances it is for orders if the Counsel for the petrs may be informed that their request is rejected. The receipt of the Separate petn marked "A" in the P.A. Office is placed in the Govt file.

NOTE—Contn. Sheet.

11 Prayer of Jooka Kolama Reddy
of Gon. ass receiving the endowment
Mr Kamala Krishna Reddy & Ors for Vyshnavites

Mng File No. of 193 . General and Revenue Secretariat

VIII) A brief perusal of the D.C's report to the M.C. A 23.5.35 read as Enclosure to Pard II, shows very clearly that the petnrs' claim for kadim tenancy is untenable and that they are not permanent tenants either. The D.C. has also stated in his report that these petnrs have filed written Sts on 24.9.34 & 10.11.34 agreeing to take up the lands on enhanced rate of rent. Thus the petnrs have no case. The M.C. is of opinion, in these circs, that the G.O. passed in the case needs no reconsideration. The ~~appellants~~ petnrs may be informed thro their Counsel that ~~they have no reason~~ Govt see no reason to reconsider the orders passed & that their repst cannot be granted.

3/7/35

Gen. Secy) 4/) agree

II Mn Com) 4/7/35

I agree 5/7

S/O 24/7 ~~illegible~~ 5/7

Submitted with a draft. 2/7

~~illegible~~ filed. Further no ~~illegible~~ from the M.C. reqd in para 4 of Supra Note as ~~illegible~~

2/7

27/7

GENERAL SECRETARIAT
3 JULY 1935
OFFICE OF THE
SECOND MEMBER OF BOARD
12 JULY 1935
No. 3-2-1

14:7

General and Revenue Secretariat. Mag File No. 287 of 193 4 [App. F. III-2

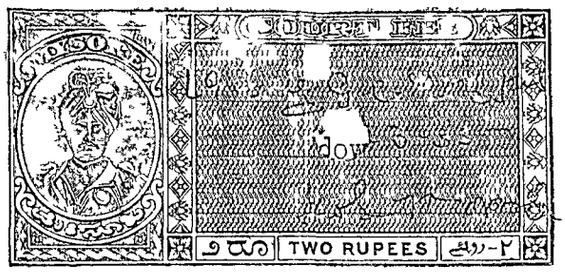
5 No. 94 dy 2-8-35 to Mr Boriah and others of Kalkere Village Magadi Taluk C/o Mr S.V. Gururaja Rao Advocate intimating that there are no reasons to reconsider the order already passed in the matter

No 95 dy 2-8-35 to the Amildar Magadi Communicating [illegible]

NOTE—Contn. Sheet.

File No. of 193 .

General and Revenue
Secretariat



Mag 287-34-1

Mag D. No 1059 of 34-35

Mfl. 273

Mag Bor NC

Ref 27/3

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Review

Luz. Petn. No. 18 of 1934 - 35.

22.3.35

Petitioners :- Boriah and other residents of Kalkare Village, Magadi Taluk.

The Petitioners most respectfully beg to submit as follows :--

1. That the petitioners are the kadeem tenants of Jodikalkere Village from the time of their fathers and fore-fathers. The several Vrithies in the Village were owned by different Jodidars. Now and then the Vrithies were used to be transferred from one to the other. Even then the ryots were enjoying the lands as usual.

2. Finally all the Vrithies were purchased by Mr. Karnick Krishnamurthi Rao and he is trying to secure larger rights than what his predecessors had. Ever since the purchase there has been much trouble in the Village.

3. The petitioners applied to the Government to introduce Survey and Settlement in the Village. Accordingly the Village has been surveyed and before the settlement could be introduced Mr. Karnick Krishna Murthi Rao applied to the Government to take over the management of the Village on the

on the plea that it has been endowed to Vydeeka - Pata Sala at Basavangudi and made false represen - tati ns that there were no disputes about the lands.

4. That before the Government accepted the - endowment the financial Secretary in his communi - cation Muz. No. 213 of35 -32-9 dated 16-2-33 had raised a very important question to the effect that before the Government could accept the endowment it was necessary to know whether the position as represented by Mr. Krishna Murthi Rao in respect of differences between him and his tenants was correct and whether there was no likelihood of Government being involved in litigation b accepting the - responsibility of the management of the said pro - perties.

5. To the great misfortunes of the petitioners, the Jodidars with some roots who are his creatures have succeeded in making the Government believe that there were no differences, showing some lease deeds which were obtained by fraud. The lease deeds have not come into force. The executants were ignorant of the terms of the deeds. One day the petitioners about 30 to 40 in number were taken to Magadi by Jodidar saying that he had done a great act of charity in endowing all the lands to Vydeeka Pata Sala and that they should attorn to the said Patasala Authorities on the same terms of Kadeem tenancy as before, and thus complete an act of public good and secured their thumb impressi ns to certain documents which are now claimed to be lease deeds.

6. That for two years after the execution of these deeds rate of kandayam and produce were collected giving no rooms for the executants to suspect any fraud. This is clear from the records in the connected files.

7. That it was only when the Jodidars preferred the Government to take up the management the real facts of the documents came out.

8. That a notice was issued by the Jodidar to one of the ryots by name Narasimhiya claiming the balance of produce as per the lease deed. The said notice has been replied in suitable terms specifying the fraud that has been played upon by the Jodidar.

9. That ever since the time the petitioners are crying as if in the wilderness that the deeds are fraudulent, they have not been acted upon, they do not secure any right either to the Jodidar or to his transferees and they cannot be acted upon, that the petitioners are not temporary tenants and that they are kadeem tenants and the Government should not interfere with their rights.

10. That the Local Officers though aware of the differences seem to have made recommendations to the Government to take up the management saying simply that there were no disputes.

11. That relying on this false representation the Government have accepted the endowment and taken over the management of the Village.

12. That in pursuance of this order, the Local Officers are issuing warrants of attachment etc and are putting the petitioners to much troubles.

13. That because of the contention that they were not liable to pay according to the terms of the lease deed, ten of the residents have been charge sheeted under Section 107 of the Criminal Procedure Code before the same Sub - Divisional Officer , on the allegation that they are likely to create a breach of the - peace.

14. That these ten people are undergoing the ordeal of a criminal trial at great - expense, inconvenience and hardship for the past eight months.

15. That the petitioners submit that they are undergoing untold misery, all because the Government have taken up the management and the Local Officers are exercising powers under the Revenue Law with the idea of helping a charitable institution and ithout realising the hardship and violation of the legitimate rights of the poor Villagers.

16. That if the rights of the parties are allowed to be adjudicated upon in a Civil Court the petitioners will receive adequate consideration in regard to their vested rights, and justice will be done.

17. That it is opposed to all equity and public Policy that the Government should be invited to interfere and take up the management of Village where there are serious - differences between the Jodidar and the ryots regarding the Civil rights over immoveable property.

18. That having taken up the management it is undesirable and opposed to public policy that Government Officers should be inclined to use powers under the Revenue Law for procuring attachment of property and distraint in the case.

19. That on grounds of Justice, equity and fair play the petitioners most humbly pray that

(i) the Benign Government may be pleased to cancel the order of vesting the management of the - Village in themselves and they further pray that the Jodidar may be directed to establish his claims in a Civil Court.

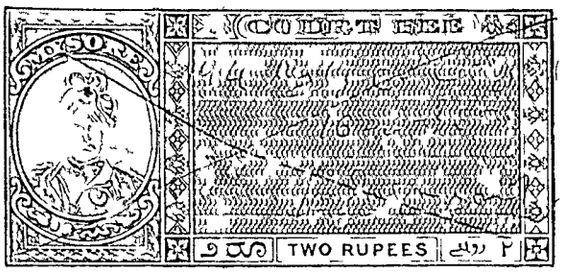
Further the petitioners humbly pray that pending the disposal of this petition,

(ii) a Stay Order may be issued directing non - interference with the ryots and the suspension of all coercive measures against the petitioners and residents of Kalkere Village.

Bangalore,
18-3-1935.

Advocate for
Petitioners.

S. D Ganesha Rao
Advocate for
petitioners



ಕೋರ್ಟಿಗೆ.

19 - ನೇ Rev. Pet" Before the Govr of His Highness the Maharaja of Mysore Bangalore ನಂಬರು

ವಾದಿ ಯೂ ಅರ್ಜಿದಾರ್ Narasimmiah and others of Kalkere Village

Vs.

ಪ್ರತಿವಾದಿ ಯೂ ಅಪೋನೆಂಟ್

ಮ|| ರಾ|| ಸ ದಿ Ganesha Rao BA. BL } Advocate ಗೆ
& C. Veerappa BA LLB
Gandhinagar, Bangalore City
Retainers ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಜ್ಞೆರುವರುವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಖಿಲ್ಲು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು, ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮ್ಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ

ತಾ|| 9/3/1932 } ರಂಜು

Narasimmiah

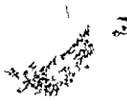
ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿಸುತ್ತಾರೆ
S.D.G.

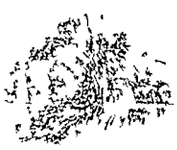
ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ

ಸಿಕ್ಕುವಸ್ಥಳ :— ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ,, ವಿದ್ಯಾವಿಲಾಸ ಬುಕ್‌ಡಿಪೊ ” ಯುವರಲ್ಲಿ ದೊರೆಯುತ್ತೆ

accepted
S D Ganesha Rao

989 '32. ಮಕ್ಕಳ ಪುಸ್ತಕ ಪ್ರೆಸ್, ಬಿ.ಸಿಟಿ





Advocate
16/7/35

Jud. Pli. No 162

CHIEF SECRETARIAL 3174 29 MAR. 1935 REVENUE BRANCH

A.R. I—34—183

GENERAL SECRETARIAL 29 MAR. 1935

General Secretariat with compliments for favour of disposal. Bo

Before the Dewan Sahib, at Mysore Bangalore.

Muz.Petn.No. of 1934-35. Mug 287 34-3.

Petitioners :- Doriah and other residents of Malkare Villa e, Nagamangala Taluk.

29/3. PRIVATE SECRETARY TO THE DEWAN OF MYSORE

The petitioners most respectfully beg to submit as follows :-

1. That the petitioners are the Kadeem tenants of Jodilakkere Villa e from the time of their fathers and forefathers. The several Vrithies in the Villa e were owned by different Jodidars. Now and then the Vrithies were used to be transferred from one to the other. Even then the ryots were enjoying the lands as usual.

2. Finally all the Vrithies were purchased by Mr.Karnick Krishnamurthi Rao and he is trying to secure larger rights than what his predecessors had. Ever since the purchase there has been much trouble in the Village.

3. The petitioners applied to the Government to introduce survey and settlement in the Village. Accordingly the Village has been surveyed and before the settlement could be introduced Mr. Karnick Krishnamurthi

Rao ,applied to the Government to take over the management of the Village on the plea that it has been endowed to Vydeeka Pata Sala at Basavangudi and made false representations that there were no disputes about the lands.

4. That before the Government accepted the endowment the Financial Secretary in his - communication Luz.No.213 of 35-32-9 dated 16-2-33 had raised a very important question to the effect that before the Government could accept the endowment it was necessary to know whether the position as represented by Mr. KrishnaMurthi Rao in respect of differences between him and his tenants was correct and whether there was no likelihood of Government being involved in litigation by accepting the possibility of the mana ement of the said properties.,

5. To the great misfortunes of the - petitioners, the Jodidars with some r ots who are his creatures have succeeded in making the Government believe that there were no differences showing some lease deeds which were obtained by fraud. The lease deeds have not comeinto force. The executants were ignorant of the terms of the deeds. One day the petitioners about 30 to 40 in number were taken to Nagari by Jodidar saying that he had done a great act of charity in endowing all the lands to Vydeeka Pata Sala

and that they should attorn to the said PataSala Authorities on the same terms of Kadeem tenancy as before and thus complete an act of public good and secured their thumb impressions to certain documents which are now claimed to be lease deeds.

6. That for the two years after the execution of these deeds original rate of kandayam and - produce were collected giving no room for the executants to suspect any fraud. This is clear from the records in the connected files.

7. That it was only when the Jodidars preferred the Government to take up the - management the real facts of the documents came out.

8. That a notice was issued by the Jodidar to one of the ryots by name Narasimhiya claiming the balance of produce as per the lease deed. The said notice has been replied in suitable terms specifying the fraud that has been played upon by the Jodidar.

9. That ever since the time the petitioners are crying as if in the wilderness that the deeds are fraudulent, they have not been acted upon, they do not secure any right either to the Jodidar or to his transferees and they cannot be acted upon, that the petitioners are not temporary tenants and that they are kadeem tenants and the Government should not interfere

with their rights.

10. That the Local Officers though aware of the differences seem to have made -- recommendations to the Government to take up the management sayin simply that there were no disputes.

11. That relyin on this false representation the Government have accepted the - endowment and taken over the management of the Village.

12. That in pursuance of this order the Local Officers are issuing warrants of - attachments etc and are putting the petitioners to much troubles.

13. That because of the contention that they were not liable to pay according to the terms of the lease deed, ten of the residents have been charge sheeted under Section 107 of the Criminal Procedure Code before the same Sub Divisional Officer on the allegation that they are likely to create a breach of the peace.

14. That these ten people are undergoing the ordeal of a criminal trial at great , expense, inconvenience and hardship for the past eight months.

15. That the petitioners submit that they are undergoing untold misery, all because,

because the Government have taken up the management and the Local Officers are exercising powers under the Revenue law with the idea of helping a charitable Institution and without realising the hardship and violation of the legitimate rights of the poor Villagers.

16. That if the rights of the parties are allowed to be adjudicated upon in a Civil Court the petitioners will receive adequate consideration in regard to their vested rights and justice will be done.

17. That it is opposed to all equity and public policy that the Government should be invited to interfere and take up the management of the Village where there are serious differences between the Judicial and the Courts regarding the civil rights over immoveable property.

18. That having taken up the management it is undesirable and opposed to public policy that Government Officers should be inclined to use powers under the Revenue Law for procuring attachment of property and distraint in the case. Attachment warrants have already been issued; the little produce the people have and the cattle are being attached.

19. That on grounds of justice, equity

and fair play the petitioners most humbly pra
that the Benign Government may be pleased to
cancel the order of vesting the management of
the Village in themselves and the further -
pray that the Jodidar may be directed to -
establish his claims in a Civil Court.

Further the petitioners humbly pray that
pending the disposal of this petition, a
Stay order may be issued directing non -
interference with their rights and the suspension
of all coercive measures against the petitioners
and residents of the Village.

29th March 38.

Bangalore.

Petitioners.

ಬೂಕಾಳೆ ವೆಂಕಟಗಿರಿಗೌಡ

ಬೋರೇಯನವರು

ನಂಜುಂಡಯ್ಯನವರು

ಲಿಂಗಯ್ಯನವರು

Ind. Mutro. 14826

Sub

This petition has been brought by about 40 persons. It may be sent to the Secy. concerned for disposal only

CC
20/-

M
29/3

CHIEF SECRETARIAL
3 APR 1935
REVENUE BRANCH

Seal not affixed
Compln-
a reply about
his case may
be planned
by
2/4
1tm
2/4
Draft
3/4/35

Before.

The First Councillorx

Bangalore.

Applicants.

Boriah

Lingappa and

others of Kalkere Village

The applicants Respectively prays as follows:-

That an inter view with the First Coundillor May be granted so that they may representx xxxxx the state of affairs and their troublex in the village.

About 40 people of the village have come and are waiting to see

Bangalore

Dated 29 3 35

Applicants

To

Dewan Bahadur Rajamantrapravina

K. Matthan, Esq, B.A.,

First Member of Council

to His Highness The Maharaja of

Mysore,

Bangalore City.

Petitioners :- Boriah and other residents of
Kalkere Village, Magadi Taluk.

The petitioners most respectfully beg to submit as follows :-

1. That the petitioners are the Kadeem tenants of JodiKalkere Village from the time of their fathers and forefathers. The several Vrithies in the Village were owned by different Jodidars. Now and then the vrithies were used to be transferred from one to the other. Even then the ryots were enjoying the lands as usual.

2. Finally all the Vrithies were purchased by Mr. Karnick Krishnamurthi Rao and he is trying to secure larger rights than what his predecessors had. Ever since the purchase there has been much trouble in the Village.

3. The petitioners applied to the Government to introduce survey and settlement in the Village. Accordingly the Village has been surveyed and before the settlement could be introduced Mr. Karnick Krishnamurthi Rao applied to the Government to take over the management of the Village on the plea that it has been endowed to Vydeeka Patala Sala at Basavangudi and made false representations that there were no disputes about the lands.

That before the Government accepted the [illegible] the Financial Secretary in his communication [illegible] No. [illegible] of 55-52-5 dated 16.[illegible].55 had raised a very important question to the effect that before the Government could accept the endowment it was necessary to [illegible] position as he reported by Mr. [illegible] with [illegible] respect of [illegible] between [illegible] was correct and that there was no [illegible] [illegible] [illegible]

8. That a notice was issued by the Jodidar to one of of the ryots by name Narasimhiya claiming the balance of produce as per the lease deeds. The said notice has been replied in suitable terms specifying the fraud that has been played upon the villagers by the Jodiar.

9. That ever since the time the petitioners are crying as if in the wilderness that the deeds are fraudulent they have not been acted upon, they do not secure any right either to the Jodidar or to his transferees and they cannot be acted upon, that the petitioners are not temporary tenants and that they are kadeem tenants and the Government should not interfere with their rights.

10. That the Local Officers tnough aware of the differences seem to have made recommendations to the Government to take up the management saying simply that there were no disputes.

11. That relying on this false representation the Government have accepted the endowment and taken over the management of the Village.

12. That in pursuance of this order the Local Officers are issuing warrants of attachments etc and are putting the petitioners to much troubles.

13. That because of the contention that they were not liable to pay according to the terms of the lease deed, ten of the residents have been charge sheeted under Section 107 of the Criminal Procedure Code before the same Sub Divisional Officer on the allegation that they are likely to create a breach of the peace.

That these ten people are undergoing the ordeal

ordeal of a criminal trial at great expense, inconvenience and hardship for the past eight months.

15. That the petitioners submit that they are put to great misery, all because, the Government have taken up the management and the Local Officers are exercising powers under the Revenue law with the idea of helping a charitable Institution and without realising the hardship and violation of the legitimate rights of the poor Villagers.

16. That if the allegations of the parties are allowed to be adjudicated upon in a Civil Court the petitioners will receive adequate consideration in regard to their contested rights and justice will be done.

17. That it is opposed to all equity and public Policy that the Government should be invited to interfere and take up the management of the Village where there are serious differences between the Judicial and the facts regarding the Civil rights over immoveable property.

18. That having taken up the management it is undesirable and opposed to public policy that Government Officers should be inclined to use powers under the Revenue Law for procuring attachment of property and distraint in the case. Attachment warrants have already been issued ; the little produce the people have and the cattle are being attached.

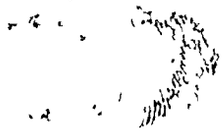
19. That on the grounds of Justice, Equity and fair play the petitioners most humbly pray that the Benign Government may be pleased to cancel the order o vesting the management of the Village in themselves and they further pray that the Judicial may be directed

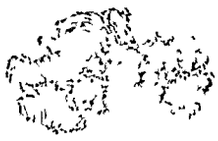
directed to establish his claims in a Civil Court.

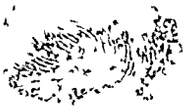
Furtner the petitioners humbly pray that pending the disposal of this petition, a Stay order may be issued directing non-inference with the ryots and the suspension of all coercive measures against the petitioners and residents of Kalkere Village.

29th March1935.
Bangalore.

Petitioners







Appendix F. G.–1]

SUBJECT.....

.....

.....

Section. Mog

File No. 287 - 34

Serial No. 2

Diary No. of letter replied to....

No. ~~draft~~ 1298

To Superintendent of Police The M.C in charge

General and Revenue Secretariat.

( )

the 193 .

Sir,

I am directed to forward herewith ~~a copy~~ petition (in original), dated 18th March 1935 received from ~~the~~ Bodiah and ~~certain~~ Jodi other Ryots of Kalkere Village, Mayadi Taluk, praying that ~~their~~ G.O No 1123-27 / Revenue 35-32-13 dated 21.2.1934 directing the taking over ~~by Govt of the~~ Management of certain properties endowed by Mr Kalvick Krishna Jodikalkere Village ~~in~~ to the Varishika Shahana Rathnavala at Basrur

Date of issue 8/4/35

Signed by [illegible]

* for kind return.

IV

List of enclosures.....

Copied by .....

Examined by.....

& the management of Kalkere Village,
and to request you to be ~~the~~ good
as to submit a report thereon
with the connected records ~~for~~ at an early date
~~Govt orders,~~

I am also to ~~have etc~~ invite reference
to para 4 of the above petition from which
it will be seen that the very words ~~by Govt~~ of the letter of 16-2-33 addressed by you
~~letter dated 16.2.33 addressed to you in~~
in the matter have been ~~referred~~ reproduced
therein and ~~how the petitioners were~~ to show whether this requires to be looked into
~~able to secure this information is~~
~~not~~ clear.

~~Yours etc~~

~~Yrs~~

6/4

For Chief Secretary to Govt
5/4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 6th April 1935.

No. 1298 Land petition
Mug 287-34 2

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

I am directed to forward herewith petition (in original) dated 18th March 1935 received from Boriah and other ryots of Jodi Kolkere Village, Magadi Taluk, praying that Government Order No.1123-27/Muz.35-32-13 dated 21st February 1934 directing the taking over by Government of the management of the properties endowed by Mr.Karnick Krishnamurthi Rao including Jodi Kolkere Village to the Vaidika Dharma Pathasala at Basavangudi, Bangalore City, may be cancelled so far as it relates to the management of Kalkere village and to request you to be so good as to submit a report thereon with the connected records at an early date.

I am also to invite reference to para 4 of the above petition from which it will be seen that the very words of the letter dated 16th February 1933 addressed to you by Government in the matter have been reproduced therein and to state that this requires to be looked into.

I have the honor to be,
Sir,
Your most obedient servant,

For Chief Secretary to Government.

S.R.3

Appendix F. G.–1]

SUBJECT.....

.....

.....

Section Mez

File No.

Serial No.

No. 1299

To

S. D. Ganeshadoss Esq B.A.B.L.
Advocate Gandhi Nagar
Bangalore City

Diary No. of letter replied to....

General and Revenue Secretariat.

( )

the *193* .

Date of issue 6/4/35

Signed by for B. Muddukrishnappa

Sir

With reference to the last para of the petition dated 18.3.35 filed ~~by him~~ your on behalf of ~~his~~ your clients Bolah and/other Inhabitants of Jadi Kalkere Village Magadi Tk, praying that pending the disposal of the petition, a stay order may be issued, ~~for~~ suspending all coercive steps against petitioners in the matter of land ship

List of enclosures .....

Copied by .....

Examined by .....

Mem. ~~Mr S. D. Gamesbottom is informed that the question of issuing a Stay of further proceedings will be considered by Court if a separate petition duly stamped and signed is presented in that behalf.~~

I am directed to state that a separate petition duly stamped is required in respect of the stay order

By order of the Registrar

2/6/4.

For Chief Secy

5/6

38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYS

General and Revenue Secretariat

Dated, Bangalore, 6th April *1935*

No. 1298

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

S.D.Ganesha Rao, Esq., B.A., B.L.,
Advocate, Gandhi Nagar, Bangalore City.

Dear *Sir,*

With reference to the last para of the petition dated 18th March 1935 filed on behalf of your clients Boriah and other ryots of Jodi Kolkere village, Tagadi Taluk, praying that pending the disposal of the petition a stay order may be issued suspending all coercive steps against the petitioners in the matter of recovering the arrears of assessment due by from them, I am directed to state that a separate petition duly stamped is required under the rules in respect of the stay order prayed for.

Yours faithfully,

for Chief Secretary to Government.

S.R.2

the above letter,

...nt in the matter. A separate repor

Mez 287

No. HC 110 Encl Records 34-35 OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE

Dated, Bangalore, 26th June *1935*

GEN. DEPT. SEC. 29/422 29 JUN. 1935 MUZRAI BR.

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

H. V. Ramaswami, Esq., M.A., P.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

GENERAL SECRETARIAT 28 JUNE 1935 Mysore

SIR,

Jodi Kalkere village, Magadi Taluk, endowed to the "Karnick's Vaidika Dharma Pathasala", Bangalore - Cancellation of the Government Order accepting the endowment.

With reference to the Chief Secretary's letter No.1298/Muz. dated 6th April 1935 calling for a report on the petition of the ryots of jodi Kalkere village on the above subject, I have the honor to forward herewith a copy of Bangalore District Deputy Commissioner's letter No.C6-3351/34-35 dated 23rd May 1935 which explains the facts of the case in detail and to state that in the circumstances reported therein, the order needs no reconsideration. As regards para 2 of the above letter, I have to state that the Deputy Commissioner's report is silent in the matter. A separate report will be obtained from him and submitted regarding the reproduction in the petition, of certain words contained in the Government communication.

2. The petition together with the connected vernacular records received with the Deputy Commissioner's letter is enclosed for reference.

I have the honor to be,
Sir,
Your most obedient servant,

N. Madhava Rao
Muzrai Commissioner.

Letter No.C6-3351/34-35 dated 23-5-35 from the Deputy Commissioner, Kolore District, to the Muzrai Commissioner in Mysore.

With reference to your Memo No.H.C.110/34-35 dated 17-4-1935 calling for a report on the petition of Boraiah and other ryots of Kalkere village, Magadi Taluk, praying for the cancellation of G.O.No.1123-27/Muz.35-32-13 dated 21-2-1934 directing the taking over by Government of the management of Kalkere village endowed by Mr. Karnick Krishna Murti Rao to the Vaidika Dharma Pathasala at Basavangudi, Bangalore City, I have the honor to state that the ryots of the village petitioned to this office on 5-6-1934 through their Advocate Mr. G. C. Veerappa stating that they are Khadim tenants and requested that an enquiry may be made in this behalf. The Sub Division Officer, Closepet Sub Division, who was thereupon asked to hold an enquiry in the matter reported on 4-12-1934 in his No.A1.151/33-34 after holding the enquiry that the petitioners failed to establish their case, and that they are neither khadim tenants nor permanent tenants. Kind reference is invited to his exhaustive report enclosed in the records. He made certain proposals regarding the management of the village, and on a recommendation made to you in this office No.C6-2/34-35 dated 21-1-1935 for sanction of these proposals, you have ordered among other things that the occupancy rights in the lands which are not under dispute may be disposed of in public auction and that the right of cultivation of wet lands may be sold for a term of 5 years after vide publication (vide your No.927/34-35 dated 1-4-1935).

The Sub Division Officer, Closepet Sub Division, who was requested to submit a report on the petition forwarded by you with your No.H.C.110/34-35 dated 17-4-1935 has reported that though ample opportunities were given to the petitioners and their counsel to establish their rights of khadim tenancy in the village, they failed to do so and that they filed written statements on 24-9-1934 and 10-11-1934 agreeing to take up the lands on enhanced rates of rent. This clearly proves that the contention of the petitioners has no basis and that they are only tenants at will with no more rights than an ordinary lessee has got in a lease hold. The Sub Division Officer has further reported that as arrears of revenue as fixed by competent authority are not paid by the petitioners regularly, there is no other alternative but to enforce payment according to Rules, that they have presented a petition on 12-5-1935 agreeing to purchase the lands for upset price, and that it is therefore evident that they have no manner of right to khadim tenancy to the lands in their possession.

The seven files of records received from the Sub Division Officer in his

Appendix F. G.–1]

SUBJECT.....

.....

.....

Section. Mis

File No. 287-34

Serial No. 5

Diary No. of letter replied to 1422

No. 94

To Boriah and others of
Kalkere village, Magadi Tk.
C/o Mr S. D. Ganesha Rao
Advocate (from pet. Boria
~~& other ryots of Kalkere~~
~~village Magadi Tk.~~
Bangalore City.

General and Revenue Secretariat.

( )

the 193 .

Date of issue 2-8-35

Signed by Mr B. Muddukrishnappa

Their petition dated
7.7.35 regd in Govt on 18/7/35
praying for a reconsideration
of the Govt order of 21-2-1934
directing among other matters
that the management of certain
portion of the Kalkere Village
and other properties attached
to Kasturba Khadi Gramodyog
Ras for the upkeep

AC

RS

List of enclosures .....

Copied by .....

Examined by .....

Bangalore city, Mr Bilal and others
~~By petrs residing in Kallakurichi~~
~~Madurai Dt~~ are informed
that Govt see no reason to
reconsider the order passed already in the matter.
~~that their request cannot be~~
~~granted~~

B. O

4/3017

~~For Govt Secy.~~ Govt Secy I Records
2-8-35

No. ~~Rec~~ ~~Dated~~ Copy forwarded.
Copy to M.C. returning records with compliment
~~Received with his letter no~~ to the Madurai Comm
HC 110/34-35 dt 28/6/1935 with the connected
records

B-O

~~For~~ Govt Sec